IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31849 of 2007(N)

PETITIONER:

K. JAYARAJAN, S/O C. KANNAN,
ANCHU BHAVAN, KOTTARAKARA VILLAGE,
KOTTARAKARA TALUK, KOLLAM DISTRICT.

BY ADV. SRI.R.SUDHISH

RESPONDENTS:
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1. **THE KERALA STATE FINANCIAL ENTERPRISES,**
   REPRESENTED BY MANAGING DIRECTOR,
   OFFICE OF K.S.F.E., THRISSUR.

2. **THE KERALA STATE FINANCIAL ENTERPRISES,**
   MAIN BRANCH, KOLLAM, REPRESENTED BY ITS
   BRANCH MANAGER, KOLLAM.

3. **THE DISTRICT COLLECTOR,**
   KOLLAM.

4. **THE SPECIAL DEPUTY TAHSILDAR(REVENUE**
   RECOVERY), THE K.S.F.E.LTD., R.R.UNIT,
   KSFC BUILDING, CHINNAKKADA, KOLLAM.

5. **ANANDAVALLY AMMA, RETIRED TEACHER,**
   W/O DEVADAS, AGED 60 YEARS,
   EDACHAPALLY, KATTAYATH, KSFC NAGAR,
   KAVANADU, KOLLAM.

6. **SUNIL D. PRASAD, S/O LATE DEVADAS,**
   AGED 39 YEARS, L.D.CLERK, LS(GD) SUB DIVISION,
   SULTHAN BATHERI, WAYANAD DISTRICT.

7. **THE ASSISTANT EXECUTIVE ENGINEER,**
   BUILDING SUB DIVISION, ALAPPUZHA.

   BY ADV. SRI.M.SASINDRAN, SC, K.S.F.E., LTD.
   GOVERNMENT PLEADER SRI. BEJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

WP(C) No. 31849 of 2007

Dated, this the 26th day of October, 2007

J U D G M E N T

The petitioner stood as one of the sureties for the loan availed by the 5th respondent from the 2nd respondent. Apparently, the principal debtor defaulted payment and therefore an amount of Rs.88,929/- is now due. The 6th respondent, who is the son of the 5th respondent, also had stood as surety. The petitioner is aggrieved by the fact that now there is a proposal to attach the salary of the petitioner and no steps are being taken by the creditor to recover the dues from the principal debtor and from her son i.e. 5th & 6th respondents. As per Ext.P1 notice, the 7th respondent, Asst. Executive Engineer, Building Sub Division, Alappuzha has been directed to attach petitioner's salary @ Rs.3,000/- per month.

2. After having heard the learned counsel for the petitioner and the learned Standing Counsel for KSFE, this writ petition is disposed of in the following terms :-

(1) The petitioner shall file a representation before the 2nd respondent indicating the details of 5th & 6th respondents, and the manner in which the amounts due from the 5th respondent could be recovered by the creditor, within a period of two weeks from today.

(2) On receipt of the said representation, the 2nd respondent shall issue notice to respondents 5 & 6 and after hearing the petitioner & respondents 5 & 6, an order may be passed deciding the mode of recovery of the amounts due from the 5th respondent. Further recovery will be as per the said order to be passed as aforementioned. Orders in this regard may be passed within a period of one month from the date of receipt of the representation from the petitioner.

3. Until such orders are passed, recovery from the salary of the petitioner pursuant to Ext.P1 shall be kept in abeyance.

(V.GIRI, JUDGE.)

jg